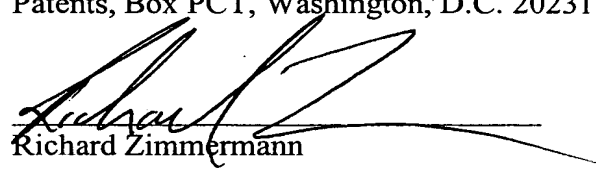


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/763836

| | | |
|----------------------------------|---|--|
| In the Application of: |) | "EXPRESS MAIL" |
| YAMADA <i>et al.</i> |) | mailing label No. EL676089534US |
| |) | |
| U.S. Appl. No. 09/763,836 |) | Date of Deposit: June 8, 2001 |
| |) | |
| International Application No.: |) | I hereby certify that this paper (or fee) is |
| PCT/JP99/03682 |) | being deposited with the United States |
| |) | Postal Service "EXPRESS MAIL POST |
| Filed: 27 February 2001 |) | OFFICE TO ADDRESSEE" service under |
| |) | 37 CFR §1.10 on the date indicated above |
| For: NUCLEIC ACID |) | and is addressed to: Commissioner for |
| SEQUENCES AND |) | Patents, Box PCT, Washington, D.C. 20231 |
| METHODS FOR |) | |
| ENHANCING EXPRESSION |) | |
| OF A USEFUL GENE |) | |
| |) |  |
| |) | Richard Zimmermann |
| Group Art Unit: Not yet assigned |) | |
| |) | |
| Examiner: Not yet assigned |) | |

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (copy enclosed as *Appendix A*), the applicants enclose herewith a executed inventors' declaration/oath and power of attorney (see *Appendix B*). Also enclosed herewith is the patent application processing fee pursuant to 37 C.F.R. §1.492(e) in the amount of \$130. This response is also accompanied by a second preliminary amendment.

06/14/2001 LLANDGRA 00000014 09763836

01 FC:154

130.00 DP

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN



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June 8, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.

09/763836

FIRST NAMED APPLICANT

YAMADA

ATTY. DOCKET NO.

19036/37156

INTERNATIONAL APPLICATION NO.

PCT/JP99/03682

I.A. FILING DATE

07 JUL 99

PRIORITY DATE

27 AUG 98

DATE MAILED: 31 MAY 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☒ Copy of the international application. ☒ Translation of the international application into English.
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☒ Other Only one page of the IPER annexes was received. I was unable to enter it, because it was not numbered.
☒ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.

- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Winston M. Alvarado

Telephone: 703-305-6421

BEST AVAILABLE COPY